

New Docket No. 01235-22619.CIP; Old Docket No. 22619.CIP
Serial No. 10/074,687

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REMARKS

In the Office Action mailed August 9, 2007, the claims 146-233 were pending.

In the Office Action, the Examiner rejected claims 146-233 under 25 U.S.C., first paragraph, as allegedly failing to comply with the written description requirement. The applicants have amended claims 145 and 193 as discussed in the interview of October 4, 2007 so as to include the limitation that the formulation is encapsulated in an exterior capsule and the first fraction and the second fraction are segregated. In the interview the Examiner stated that replacing the term "such that" with the term "and" was clearer and was also adequately supported in the specification. Additionally, claim 146 been amended to eliminate extraneous punctuation which was inadvertently included therein. Support for the amendments can be found in the published application specification (U.S. Application Publication No. 2003/0077297) in paragraphs [0227] and [0228] as well as in paragraphs [0012] and [0016] and in Figures 3A, 3B, 4A, 4B, 5A, 5B, and 5C. No new matter was added to the application by above amendments to the claims. As discussed with the Examiner during the interview, Applicants submit that the currently amended claims present allowable subject matter and request allowance of the claims.

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CONCLUSION

If any impediment to the entry of the present amendments of the claims and examination of the application remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone Mr. David Osborne or in his absence the undersigned at (801) 566-6633, so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 9th day of October, 2007.

Respectfully submitted,



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